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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2021-

**ADOPTING GUIDELINES FOR THE CALIFORNIA WATER AND WASTEWATER
ARREARAGE PAYMENT PROGRAM (PROGRAM) AND DELEGATING AUTHORITY
TO THE DEPUTY DIRECTORS OF THE DIVISION OF DRINKING WATER AND THE
DIVISION OF FINANCIAL ASSISTANCE TO ADMINISTER THE PROGRAM**

WHEREAS:

1. The Budget Act of 2021 (Senate Bill 129) appropriated \$985 million to the State Water Resources Control Board (State Water Board) from the Coronavirus Fiscal Recovery Fund for payment to community water systems to forgive COVID-19 related residential and commercial customer arrearages that accrued during the COVID-19 pandemic bill relief period of March 4, 2020 through June 15, 2021;
2. A budget trailer bill (Assembly Bill 148, Ch. 115, statutes of 2021) added Chapter 4.7 (commencing with Section 116773) of part 12 of division 104 to the Health and Safety Code to establish the requirements for the Program;
3. The Division of Drinking Water (DDW) surveyed community water systems to determine statewide community water systems' residential and commercial arrearage totals and water enterprise revenue shortfalls. Three public webinars were held to assist community water systems in completing the survey and technical assistance was made available to assist community water systems in responding to the survey;
4. Staff consulted with community water systems, community representatives, and environmental justice advocates and associations in developing the draft Guidelines;
5. The draft Guidelines were released for public comment on August 25, 2021. The State Water Board held a public workshop to take comments on the draft Guidelines on September 9, 2021;
6. The Guidelines establish the criteria and processes the State Water Board will use to administer the Program;
7. To promote efficiency and to expeditiously execute the Program, it is desirable to delegate authority to the Deputy Directors of DDW and DFA, or designees, to administer the Program, including, but not limited to, making eligibility determinations, enforcing Program requirements in accordance with subdivision (d) of section 116773.6 of the Health and Safety Code, and approving and issuing payments of Program funds; and

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8. The State Water Board has the authority to recover Program funds paid, but to which a community water system is not entitled. It is desirable to delegate to designated staff the authority to refer appropriate cost recovery matters to the California Attorney General.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the proposed Program Guidelines.
2. Authorizes the Deputy Directors of DDW and DFA, or designees, to administer the Program consistent with the Guidelines, including, but not limited to, making eligibility determinations, enforcing Program requirements in accordance with subdivision (d) of section 116773.6 of the Health and Safety Code, and approving and issuing payments of Program funds.
3. Authorizes the Deputy Director of DFA, with the concurrence of the Chief Counsel, to initiate processes to recover Program funds in appropriate cases, including, but not limited to, referring cost recovery requests to the Attorney General.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 21, 2021.

Jeanine Townsend
Clerk to the Board